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2 UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

4

BOBBY LEE FAIR, JR.,

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Plaintiff

Case No. 3:20-cv-00491-MMD-CLB

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v.

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LAKES CROSSING CENTER, *et al.*,

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Defendants

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ORDER

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I. DISCUSSION

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On August 26, 2020, Plaintiff, currently housed at Lakes Crossing Center, submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1).

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Plaintiff's Complaint

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Upon review, the Court notes that Plaintiff's complaint is incomplete. (ECF No. 1-1). Plaintiff has not included the required information about the named defendants and the specific relief he is requesting. As such, the Court grants Plaintiff a **one-time extension** to submit a signed amended complaint to the Court on or before **November 2, 2020**. If Plaintiff chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). Plaintiff should file the amended complaint on this Court's approved prisoner civil rights form, and it must be entitled "First Amended Complaint."

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Plaintiff's Application to Proceed *in Forma Pauperis*

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Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the

1 inmate must submit all three of the following documents to the Court:

2 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, this
3 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
4 page 3),
5 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
6 official (i.e. page 4 of this Court's approved form), and
7 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
8 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
9 Plaintiff must still submit an inmate account statement for the dates he has been present
10 at the facility.

11 Plaintiff has not filed an application to proceed *in forma pauperis* on this Court's
12 approved form together with a financial certificate and an inmate account statement.
13 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF
14 No. 1) without prejudice because the application is incomplete.

15 The Court will grant Plaintiff a **one-time extension** until on or before **November**
16 **2, 2020**, to file either a fully complete application to proceed *in forma pauperis* containing
17 all three of the required documents. Absent unusual circumstances, the Court will not
18 grant any further extensions of time.

19 If Plaintiff does not file a fully complete application to proceed *in forma pauperis*
20 with all three required documents or pay the full \$400 filing fee on or before **November**
21 **2, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case
22 with the Court when Plaintiff is able to acquire all three of the documents needed to file a
23 fully complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

24 A dismissal without prejudice means Plaintiff does not give up the right to refile the
25 case with the Court, under a new case number, when Plaintiff has either all three
26 documents needed to submit with the application to proceed *in forma pauperis*. Plaintiff
27 may also choose not to file an application to proceed *in forma pauperis* and instead pay
28 the full filing fee of \$400 on or before **November 2, 2020** to proceed with this case.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall send
3 to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and
4 a copy of his original complaint. (ECF No. 1-1). If Plaintiff files an amended complaint, he
5 should use the Court's approved form and he must write the words "First Amended" above
6 the words "Civil Rights Complaint" in the caption.

7 IT IS FURTHER ORDERD that if Plaintiff chooses to file a signed amended
8 complaint, Plaintiff will file the signed amended complaint to this Court on or before
9 **November 2, 2020.**

10 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*
11 (Docket No. 1) is denied without prejudice to file a new and fully complete application to
12 proceed *in forma pauperis* with all three documents.

13 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
14 approved form application to proceed *in forma pauperis* by an inmate, as well as the
15 document entitled information and instructions for filing an *in forma pauperis* application.

16 IT IS FURTHER ORDERED that on or before **November 2, 2020**, Plaintiff will
17 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and
18 the \$50 administrative fee) or file with the Court:

19 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
20 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
21 signatures on page 3),
22 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
23 official (i.e. page 4 of this Court's approved form), and
24 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
25 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
26 Plaintiff must still submit an inmate account statement for the dates he has been present
27 at the facility.

28 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete

1 application to proceed *in forma pauperis* with all three documents or pay the full \$400
2 filing fee for a civil action on or before **November 2, 2020**, the Court will dismiss this
3 action without prejudice for Plaintiff to refile the case with the Court, under a new case
4 number, when Plaintiff either has all three documents needed to file a complete
5 application to proceed *in forma pauperis* or pays the full \$400 filing fee.

6 DATED: September 4, 2020

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8 UNITED STATES MAGISTRATE JUDGE
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